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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,700	07/25/2001	John Ross Campbell	821-11US	3993
23716	7590	11/23/2004		
ANTHONY ASQUITH 28-461 COLUMBIA STREET WEST WATERLOO, ON N2T 2P5 CANADA			EXAMINER WALLS, DIONNE A	
			ART UNIT 1731	PAPER NUMBER

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/911,700

Applicant(s)

CAMPBELL, JOHN ROSS

Examiner

Dionne A. Walls

Art Unit

1731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

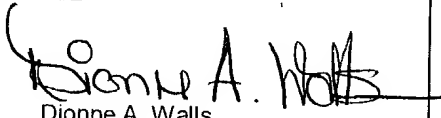
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet


Dionne A. Walls
Primary Examiner
Art Unit: 1731

Continuation of 5. does NOT place the application in condition for allowance because: the Examiner does not find Applicant's arguments to be persuasive. Specifically, the Examiner is not convinced the the prior art of record fails to either teach or suggest or otherwise render obvious the claimed invention. While Applicant continues to argue, generally, that using a template to position machine cut glass pieces is inventive, the Examiner respectfully continues to disagree. The idea of cutting glass pieces and positioning them on a glass base-plane is nothing novel. An obvious modification to the known procedure of hand-cutting glass to arrive at those glass pieces is machine-cutting. Further, an obvious modification to hand-positioning glass pieces is using a template to position the pieces. (These underlying points are even conceded by Applicant). What the Examiner believes has been clearly stated and shown in the Final Rejection, specifically in the "Response to Arguments" section, is a motivation/reason, using the Sellars reference, for performing the claimed process based on what is known/disclosed/admitted/conceded/made obvious in light of the prior art. In sum, the Examiner's position is that it doesn't matter whether the glass pieces were hand-cut or machine-cut, the use of a template to position those pieces on a glass base-plane is obvious - as evidenced by the Sellars disclosure. Lastly, Applicant incorrectly asserts that the Examiner introduced the "cut-by-machine, position-by-hand" procedure for the first time in the Final Office Action. The Examiner made no change in the rejection of the First Office action, but merely endeavored to explain her position, in the "Response to Arguments" section of the Final Rejection. This explanation was not intended to have inferred that the prior art "disclosed" the particular procedure, but rather said art made said procedure obvious.

Continuation of 10. Other: The rejections stated in the Final Rejection, mailed on 8/20/04, is maintained.